

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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JOHN K. HERRERA,

06 CV 1582 (NG) (SMG)

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

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GERSHON, United States District Judge:

On August 8, 2006, Magistrate Judge Steven M. Gold issued a report and recommendation ("R&R") recommending that, unless plaintiff "explains his failure to contact the court or appear for the scheduled conference, and indicates his intention to prosecute this matter in compliance with future court orders" within the time permitted for filing objections, plaintiff's action be dismissed for failure to prosecute. Plaintiff has not filed any objections nor other response to the R&R and the time for doing so has now expired. Accordingly, Magistrate Judge Gold's recommendation is adopted by the court and this action is hereby dismissed. The Clerk of Court is directed to close this case.

SO ORDERED.

/s/(NG)
NINA GERSHON
United States District Judge

Dated: Brooklyn, New York
September 5, 2006

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
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